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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,633	11/02/2001	Jerry L. McKinney	Clearstrm-8	8356

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EXAMINER

BORISSOV, IGOR N

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 07/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/003,633

Applicant(s)

MCKINNEY, JERRY L.

Examiner

Igor Borissov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-87 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carmody (US 2002/0143596).

Carmody teaches a method and system for monitoring, recording and reporting the servicing of private onsite wastewater treatment systems, comprising:

As per claims 1-2, 4-7, 12-14, 17-18, 20-22, 26-31, 34-35, 39-42, 46-47, 49-53, 58-62, 65-68 and 71-72,

automatically monitoring for operational equipment status at each of said plurality of wastewater treatment systems ([0001]; [0066]; [0072]);

automatically notifying said one or more service companies of operational problems detected at each of said plurality of wastewater treatment systems ([0072]; [0091]);

setting up an appointment for service personnel ([0124]);

determining a date and time associated with service conducted by service personnel at each of said plurality of wastewater treatment systems ([0129]; [0130]; [0132]);

electronically storing inspection data related to scheduled inspections for each of said plurality of wastewater treatment systems ([0115] – [0119]);

generating a website operable for selectively providing said inspection data, said operational data, and said time data to respective computers of said one or more service companies and said regulatory body ([0088] – [0097]);

generating a report for said regulatory body related to compliance with said scheduled inspection and timely repairs for each of said plurality of plurality of wastewater treatment systems based on said inspection data, said operational data, and said time data ([0008] – [0015]; [0069]; [0074]; [0126]; [0131]);

enabling selective generation of said report by said regulatory body utilizing said website ([0069]; [0131]);

providing an inspection schedule for said plurality of wastewater treatment systems that is accessible through said computer network presence by said one or more service companies ([0119] – [0124]).

Carmody does not specifically teach that setting up an appointment for service personnel includes detecting a physical presence of said service personnel.

It would have been an obvious matter of design choice to modify Carmody to include that setting up an appointment for service personnel includes detecting a physical presence of said service personnel, because it appears that the claimed features do not distinguish the invention over similar features in the prior art, and the teachings of Carmody would perform the invention as claimed by the applicant with either specifying detection a physical presence of said service personnel, or not.

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As per claims 3, 15-16, 24-25, 32-33, 43-45, 54, 63 and 69-70, storing responsible party data related to said plurality of owners for said plurality of wastewater treatment systems and utilizing said responsible party data for addressing said notices of noncompliance ([0006] – [0008]; [0015]; [0080]; [0104]).

As per claims 8-9, it is well known in the art to use mechanical switches installed at the equipment, or electronic reader to be activated by a respective identifier carried by a person, to record an employee time or equipment usage. See: Jurca (US 4,949,263) column 5, lines 33-36; Witts et al. (US 4,401,994) Abstract.

As per claims 10-11, 19, 23, 36, 48, 57 and 64, it is common in business to renew a service contract. See: Kahleck et al. (US 5,673,190).

As per claims 37-38, 55-56 and 73-74, Carmody teaches all the limitations of claims 37-38, 55-56 and 73-74, except that the stored data includes a record of when said environmental equipment system starts initial operation for a first time or after a shutdown wherein repairs are made.

It would have been an obvious matter of design choice to modify Carmody to include that the stored data includes a record of when said environmental equipment system starts initial operation for a first time or after a shutdown wherein repairs are made, because it appears that the claimed features do not distinguish the invention over similar features in the prior art, and the teachings of Carmody would perform the invention as claimed by the applicant with a record of any information related to said environmental equipment.

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Claims 75-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carmody in view of Ryan et al. (US 2003/0055669).

As per claims 75-87, Carmody teaches all the limitations of claims 75-87, except for receiving data related to timely servicing of environmental equipment systems by a third party; and reporting from said third party to said regulatory body regarding said received digital data.

Ryan et al. teach a method and system for handling compliance information, wherein a third party collects information relevant to a regulated site, and reports to regulatory/compliance agencies regarding said compliance information (Abstract).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Carmody to include that a third party collects information relevant to a regulated site, and reports to regulatory/compliance agencies regarding said compliance information, because it would allow industry users to reduce their paperwork load, while still complying with the regulatory requirements of the involved government agencies, as specifically stated in Ryan et al. ([0005]).

Claims 85-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carmody in view of Ryan et al.

As per claims 85-86, Carmody and Ryan et al. teach all the limitations of claims 85-86, except that the stored data includes a record of when said environmental equipment system starts initial operation for a first time or after a shutdown wherein repairs are made.

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It would have been an obvious matter of design choice to modify Carmody and Ryan et al. to include that the stored data includes a record of when said environmental equipment system starts initial operation for a first time or after a shutdown wherein repairs are made, because it appears that the claimed features do not distinguish the invention over similar features in the prior art, and the teachings of Carmody and Ryan would perform the invention as claimed by the applicant with a record of any information related to said environmental equipment.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

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(703) 305-7687 [Official communications; including After Final
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA, 7th floor receptionist.

DB


JOHN G. WEISS
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